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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ronald E. Sloan

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EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/927,560	SLOAN ET AL.	
	Examiner	Art Unit	
	Jocelyn Greimel	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statements: 11/18/2002; 12/17/2002; 01/05/2004; 02/17/2004; 11/24/2004; 02/18/2005; 08/15/2005; 12/13/2005; 05/01/2006.

DETAILED ACTION

1. This communication is in response to Applicant's application of August 10, 2001, which is a continuation of application 09/705,154 and a continuation in part of 09/431,389 of November 01, 1999. Claims 1-25 are being examined which includes the preliminary amendment of December 17, 2002.

Specification

2. The abstract of the disclosure is objected to because it exceeds one paragraph in length. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. The claims are objected to because of the following informalities: the amendment of December 17, 2002 requests the amendment of claims 1 and 18. However, the amendment then lists claims 1, 9, 16, 18 and 24. Examiner has reviewed claims 1, 9, and 18 as amended. Any necessary appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US Patent No. 6,021,397, hereinafter Jones) as applied to claims 1, 9 and 18, and further in view of Wren (US Patent No. 6,055,514). In reference to claim 1, Jones discloses a method for providing online web-based financial counseling over a wide area network such as the Internet, comprising: developing a service level agreement with a user which includes a desired service level (col. 3, line 30 – col. 4, line 59).

7. Jones fails to teach developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching

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as determined by said service level agreement (col. 9, line 2 – col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones' computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

8. In reference to claims 2 and 3, Jones discloses a method wherein developing a service level agreement comprises: prompting the user to input personal financial information; receiving from the user a desired service level; estimating probability based on the financial information; and negotiating fees to be charged to the user based upon estimating profitability and the desired level of service; and a method wherein the service level agreement includes a determination of access to at least one account of a user (col. 5, line 50 – col. 6, line 2).

9. In reference to claims 3-8, Jones discloses a method wherein the financial model includes developing a user's equity investment portfolio; wherein developing an equity investment portfolio comprises determining the financial goals of the user and the user's risk tolerance, determining the current equity positions of a user, and suggesting new equity positions for the user (col. 6, line 3 – col. 7, line 10).

10. Jones does not disclose wherein at a certain service level threshold, a user must use computer coaching prior to using live coaching; wherein said automated coaching

may dispense general financial advice based on the user's financial model; and wherein the live coaching may dispense specific financial advice based on the user's financial model. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement (col. 9, line 2 – col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones' computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

11. In reference to claim 9, Jones discloses an online web-based financial advisor system accessible over a wide area network such as the Internet comprising a user computer system coupled to the wide area network, a coach computer system coupled to the wide area network; a financial advisor server system, coupled to the wide area network, including a service level generator which develops a service level for the user, a financial model generator, a financial model scenario generator, and a computer counselor subsystem (col. 7, lines 11-60).

12. Jones does not disclose a live counselor subsystem which interacts with the coach computer system, where the level of usage of the computer counselor subsystem and the live counselor system is determined, at least in part by the user's service level

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agreement. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement (col. 9, line 2 – col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones' computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

13. In reference to claim 10, Jones discloses a financial advisor system wherein said wide area network is the Internet (col. 7, lines 50-60).

14. In reference to claim 11, Jones discloses a system wherein said service level generator includes: a user interface for prompting the user for an input of financial information; a database for receiving from the user a desired service level; an engine for estimating the user profitability based on the financial information and a user interface for negotiating fees to be charged to the user based upon estimating profitability and the desired level of service (col. 5, line 50 – col. 7, line 10).

15. In reference to claims 12-14 and 16, Jones discloses a system wherein the service level agreement includes a determination of access to at least one account of a

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user; a system wherein the financial model generator includes: a subsystem for developing a user's equity investment portfolio; a financial model generator further comprising: an engine for determining the user's financial goals and the user's risk tolerance; an engine for determining the current equity position of the user; a user interface for suggesting new equity positions for the user; and a system wherein: a user interface for computer coaching to dispense general financial advice based on the user's financial model (col. 6, line 50 – col. 7, line 60).

16. In reference to claims 15 and 17, Jones does not disclose a service level generator, including an algorithm to direct the user to use computer coaching prior to using live coaching, if the service level is below a threshold; and a system further comprising: a user interface for live coaching to dispense specific financial advice based on the user's financial model. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement (col. 9, line 2 – col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones' computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

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17. In reference to claim 18, Jones discloses a computer program embodied on a computer readable medium for providing a web-based online personalized financial counseling over a wide area network such as the Internet, in a collaborative computing environment, wherein the computer program comprises a code segment for developing a service level agreement with a user which includes a desired service level for the user (col. 4, lines 42-60; col. 7, lines 11-60).

18. Jones does not disclose a code for developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; code for providing remote access to the financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement (col. 9, line 2 – col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones' computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

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19. In reference to claims 19-25, Jones discloses a code segment for the service level agreement, further comprising code for prompting a user to input personal financial information; code for receiving the user desired level of financial management service code for estimating profitability based on the financial information; code for negotiating fees to be charged to the user based upon estimating profitability and the desired level of service code segment further comprising code to determine access at least one to an account of a user; a code segment for developing a financial model, further comprising code for developing the user's equity investment portfolio; a code segment, further comprising: code for determining the financial goals of the user and the user's risk tolerance code for determining the current equity positions of a user (col. 5, line 50 – col. 7, line 60).

20. Jones does not disclose a code for suggesting new equity positions for the user; a code segment, further comprising: code for restricting a user to use computer coaching before accessing live coaching; a code segment wherein the automated coaching further comprises: code for computer coaching to dispense general financial advice based on the user's financial model; and a code segment wherein the live coaching further comprises: code for computer coaching to dispense specific financial advice based on the user's financial model. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by

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said service level agreement (col. 9, line 2 – col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones' computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
August 14, 2006


ELLA COLBERT
PRIMARY EXAMINER